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Attorneys for Defendant Houston Casualty Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

EMERALD CONSULTING GROUP, LLC
AND DOYON EMERALD SERVICES, LLC,

Plaintiffs,

v.

HOUSTON CASUALTY COMPANY,
Defendant.

CASE NO. 3:15-cv-_____

DEFENDANT HOUSTON CASUALTY COMPANY'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Houston Casualty Company (“HCC”) removes this case from the Superior Court for the State of Alaska, Third Judicial District at Anchorage to the United States District Court for the District of Alaska. In support of this Notice of Removal, HCC states as follows:

THE REMOVED CASE

1. On or about October 23, 2014, Plaintiff filed a Complaint (“Complaint”) captioned *Emerald Consulting Group, LLC, et al. v. Houston Casualty Company*, Case No. 3AN-14-9830CI, in the Superior Court for the State of Alaska, Third Judicial District at Anchorage. (See Complaint, attached hereto as part of Exhibit A.) Plaintiff alleges that it has

been denied reimbursement of its full defense costs covered under Policy Number H710-10605. (See Complaint at ¶ 18-19, 20, 38-40.)

PAPERS FROM REMOVED ACTION

2. As required by 28 U.S.C. § 1446(a), attached as Exhibit A are copies of all process and the complaint served upon HCC through its registered agent in the removed case, as well as all orders entered by the State court.

THE REMOVAL IS TIMELY

3. Defendant HCC was served with the Complaint on January 22, 2015. Accordingly, this Notice of Removal is being filed within 30 days of service of a copy of the initial pleading setting forth the claims for relief upon which such action is based and, therefore, is timely under 28 U.S.C. § 1446(b).

THE VENUE REQUIREMENT IS MET

4. The Superior Court for the State of Alaska, Third Judicial District at Anchorage, is located within the District of Alaska. 28 U.S.C. § 81A. Venue is thus proper because this is the “district and division embracing the place where such action is pending.” *See* 28 U.S.C. § 1441(a).

DIVERSITY OF CITIZENSHIP EXISTS

5. This is a civil action that falls under the Court’s original jurisdiction under 28 U.S.C. § 1332 (diversity of citizenship) and is one that may be removed to this Court based on 28 U.S.C. §§ 1441 and 1446.

6. Upon information and belief, Plaintiff Emerald Consulting Group, LLC is, and was at the time it filed the Complaint, a citizen of Alaska.

7. Upon information and belief, Plaintiff Doyon Emerald Services, LLC is, and was at the time it filed the Complaint, a citizen of Alaska.

8. Defendant HCC is not, and was not at the time the action was commenced, a citizen of Alaska. *See* 28 U.S.C. § 1441(b). HCC is incorporated in Texas and has its principal place of business in Texas.

9. Because Plaintiffs are citizens of Alaska, and Defendant is not, diversity of citizenship exists under 28 U.S.C. § 1332.

**THE AMOUNT-IN-CONTROVERSY
REQUIREMENT IS SATISFIED**

10. The face of Plaintiff's Complaint makes clear that the amount in controversy is more than \$75,000.00, exclusive of costs and interest. Plaintiff prays for judgment in the "principal amount of \$445,945.88," plus "all compensatory and punitive damages, to be determined at trial." (Complaint p. 12.)

REMOVAL JURISDICTION

11. This action involves a controversy wholly between citizens of different states and the value of the matter in dispute in said cause exceeds the sum of \$75,000.00, exclusive of interest and costs, as appears from the allegations contained in the Complaint. Accordingly, this action is one over which the District Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

FILING OF REMOVAL PAPERS

12. A copy of this Notice of Removal is being served on Plaintiff's counsel and being filed with the Superior Court for the State of Alaska, Third Judicial District at Anchorage, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant HCC hereby removes the above-captioned action from the Superior Court for the State of Alaska, Third Judicial District at Anchorage to the United States District Court for the District of Alaska.

Respectfully submitted this 18th day of February, 2015.

s/ Allen F. Clendaniel

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Attorneys for Defendant Houston Casualty Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of February, 2015, a copy of the foregoing Notice of Removal was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system on all counsel of record and served via U.S. Mail, first-class postage prepaid to:

Michael A. Grisham
Dorsey & Whitney LLP
1031 West Fourth Ave., Suite 600
Anchorage, Alaska 99501-5907

s/ Allen F. Clendaniel
Certification Signature